

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENWOOD DIVISION

CASE NO: 8:19-CR-181

UNITED STATES OF AMERICA,)
)
 vs.)
)
 DANNY MORALES LOPEZ,)
)
 Defendant.)

MOTION FOR SEVERANCE

COMES NOW the defendant, by and through the undersigned counsel, and respectfully moves this Court for the entry of an Order severing his/her trial from that of co-defendants, and alleges as follows:

- (1) A severance for the defendant in this cause and a separate trial for this defendant is necessary in order to provide a fair determination of the guilt or innocence of the defendant in this case. The defendant's defense in this cause is or may be inconsistent with one or more of the co-defendants. The defendant will not receive a fair trial if he/she is forced to defend himself/herself against both the State and the co-defendants in this cause.
- (2) At a separate and later trial, the defendant may call co-defendants to testify to matters that are beneficial to this defendant. On information and belief, at a joint trial these co-defendants would not testify because of possible self-incrimination and/or prejudice; thus, unless a severance is granted, this defendant would be deprived of the right of exculpatory evidence.

- (3) That the present joinder in the above-styled matters is prejudicial to the interest of Defendant, and he/she is entitled to relief therefrom.
- (4) That the above motion is made in faith and not for purposes of delay, and if severance is granted defendant is ready for trial.
- (5) That on information, there are co-defendants who may have given incriminatory statements against this defendant and a severance is in order to prevent a violation of Bruton.

WHEREFORE, defendant prays this Court grant a severance and relieve him/her from prejudicial joinder of co-defendants.

Respectfully submitted,

s/ Jack B. Swerling
JACK B. SWERLING (ID# 4406)
Law Offices of Jack B. Swerling
1720 Main Street, Suite 301
Columbia, South Carolina 29201
(803) 765-2626
Email: jacklaw@aol.com

Attorney for Defendant

Columbia, South Carolina
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